

Applicant / Patentee: James E. Dahlberg *et al.*  
For: **Rapid Detection and Identification of Pathogens**

**VERIFIED STATEMENT (DECLARATION) CLAIMING SMALL ENTITY STATUS  
(37 CFR § 1.9(c) - SMALL BUSINESS CONCERN)**

I hereby declare that I am an official of the small business concern empowered to act on behalf of the concern identified below:

Third Wave Technologies, Inc.  
502 South Rosa Road  
Madison, Wisconsin 53719

I hereby declare that the above-identified small business concern qualifies as a small business concern as defined in 13 CFR §§ 121.3-18, and reproduced in 37 CFR § 1.9(d), for purposes of paying reduced fees under §§ 41(a) and (b) of Title 35, United States Code, in that the number of employees of the concern, including those of its affiliates, does not exceed 500 persons. For purposes of this statement, (1) the number of employees of the business concern is the average over the previous fiscal year of the concern of the persons employed on a full-time, part-time or temporary basis during each of the pay periods of the fiscal year, and (2) concerns are affiliates of each other when either, directly or indirectly, one concern controls or has the power to control the other, or a third party or parties controls or has the power to control both.

I hereby declare that rights under contract or law have been conveyed to and remain with the small business concern identified above with regard to the invention entitled **Rapid Detection and Identification of Pathogens** by inventors named **James E. Dahlberg *et al.***, described in the specification filed herewith.

I acknowledge the duty to file, in this application or patent, notification of any change in status resulting in loss of entitlement to small entity status prior to paying, or at the time of paying, the earliest of the issue fee or any maintenance fee due after the date on which status as a small entity is no longer appropriate. (37 CFR § 1.28(b)).

I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code, and that such willful false statements may jeopardize the validity of the application, any patent issuing thereon, or any patent to which this verified statement is directed.

Date: \_\_\_\_\_

\_\_\_\_\_  
Lance Fors  
President

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

In re Application of: James E. Dahlberg *et al.*  
Serial No.:  
Filed:  
Entitled: **Rapid Detection and Identification of Pathogens**

Group No.:  
Examiner:

**POWER OF ATTORNEY BY ASSIGNEE**

Assistant Commissioner for Patents  
Washington, D.C. 20231

Third Wave Technologies, Inc., as Assignee of record of the entire interest of the above-identified patent application, hereby appoints the members of the firm of MEDLEN & CARROLL, LLP, a firm composed of:

Virginia S. Medlen	(Reg. No. 32,050)	Maha A. Hamdan	(Reg. No. 43,655)
Peter G. Carroll	(Reg. No. 32,837)	J. Mitchell Jones	(Reg. No. 44,174)
Kamrin T. MacKnight	(Reg. No. 38,230)	David J. Wilson	(Reg. No. 45,225)
David A. Casimir	(Reg. No. 42,395)	Jason R. Bond	(Reg. No. 45,439)
		Jaen Andrews	(Reg.No. 35,051)

as its attorneys with full power of substitution to prosecute this application and transact all business in the Patent and Trademark Office in connection therewith.

Please direct all future correspondence and telephone calls regarding this application to:

David A. Casimir  
MEDLEN & CARROLL, LLP  
220 Montgomery Street, Suite 2200  
San Francisco, California 94104  
Telephone: 415/705-8410  
Facsimile: 415/397-8338

I hereby certify that the Assignment document filed with the application or filed subsequent to the filing date of the application, has been reviewed and I hereby certify that, to the best of my knowledge and belief, title is with Third Wave Technologies, Inc.

Dated: \_\_\_\_\_

By: \_\_\_\_\_  
Lance Fors  
President  
Third Wave Technologies, Inc.  
502 South Rosa Road  
Madison, Wisconsin 53719

## DECLARATION FOR PATENT APPLICATION

As a below-named inventor, I hereby declare that:

My residence, post office address and citizenship are as stated next to my name. I believe I am an original, first and joint inventor of the subject matter which is claimed and for which a patent is sought on the invention entitled **Rapid Detection and Identification of Pathogens**, the specification of which is attached hereto. I hereby state that I have reviewed and understand the contents of the above-identified specification, including the claims, as amended by any amendment referred to above.

I acknowledge the duty to disclose information which is material to the examination of this application in accordance with Title 37, Code of Federal Regulations, § 1.56(a).

I hereby claim the benefit under Title 35, United States Code, § 120 of any United States application(s) listed below and, insofar as the subject matter of each of the claims of this application is not disclosed in the prior United States application in the manner provided by the first paragraph of Title 35, United States Code, § 112, I acknowledge the duty to disclose material information as defined in Title 37, Code of Federal Regulations, § 1.56(a) which occurred between the filing date of the prior application and the national or PCT international filing date of this application:

<u>08/520,946</u>	<u>01/15/98</u>	<u>Pending</u>
<u>08/520,946</u>	<u>08/30/95</u>	<u>Pending</u>
<u>08/484,956</u>	<u>06/07/95</u>	<u>Patented</u>
<u>5,843,654</u>	<u>12/01/98</u>	<u>Patented</u>
<u>08/402,601</u>	<u>03/09/95</u>	<u>Abandoned</u>
<u>08/802,233</u>	<u>02/19/97</u>	<u>Patented</u>
<u>5,888,780</u>	<u>03/30/97</u>	<u>Patented</u>
<u>08/337,164</u>	<u>11/09/94</u>	<u>Pending</u>
<u>08/789,079</u>	<u>02/06/97</u>	<u>Patented</u>
<u>5,719,028</u>	<u>02/17/98</u>	<u>Patented</u>
<u>08/254,359</u>	<u>06/06/94</u>	<u>Patented</u>
<u>5,614,402</u>	<u>03/25/97</u>	<u>Patented</u>
<u>08/073,384</u>	<u>06/04/93</u>	<u>Patented</u>
<u>5,541,311</u>	<u>06/30/96</u>	<u>Patented</u>

<u>07/986,330</u>	<u>12/07/92</u>	<u>Abandoned</u>
<u>08/471,066</u>	<u>06/06/95</u>	<u>Patented</u>
<u>5,837,450</u>	<u>11/17/98</u>	<u>Patented</u>
<u>08/481,238</u>	<u>06/06/95</u>	<u>Patented</u>
<u>5,795,763</u>	<u>08/18/98</u>	<u>Patented</u>
<u>08/483,043</u>	<u>06/06/95</u>	<u>Patented</u>
<u>5,691,142</u>	<u>11/25/97</u>	<u>Patented</u>
<i>Application Serial No.</i>	<i>Filing Date</i>	<i>Patented, Pending or Abandoned</i>

I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment or both, under § 1001 of Title 18 of the United States Code and that such willful false statements may jeopardize the validity of the application or any patent issued thereon.

Full Name of Sole or First Inventor: **James E. Dahlberg**

Inventor's Signature: \_\_\_\_\_ Date: \_\_\_\_\_  
Residence: 1119 Merrill Springs Road, Madison, Wisconsin 53705  
Post Office Address: 1119 Merrill Springs Road, Madison, Wisconsin 53705 Citizenship: United States of America

Full Name of Second Joint Inventor: **Mary Ann D. Brow**

Inventor's Signature: \_\_\_\_\_ Date: \_\_\_\_\_  
Residence: 5905 Hammersley Road, Madison, Wisconsin 53711  
Post Office Address: 5905 Hammersley Road, Madison, Wisconsin 53711 Citizenship: United States of America

Full Name of Third Joint Inventor: **Victor I. Lyamichev**

Inventor's Signature: \_\_\_\_\_ Date: \_\_\_\_\_  
Residence: 2523 Carriedale Court, Madison, Wisconsin 53711  
Post Office Address: 2523 Carriedale Court, Madison, Wisconsin 53711 Citizenship: Russia